

## **S. \_\_\_\_\_, Ensuring Greater Food Safety Act of 2010**

Over 1,500 people have now been sickened by the now infamous food safety scare related to salmonella in eggs. Everyone agrees that federal food regulations need to be examined in order to fix what went wrong that led to so many people getting sick.

The authors of S.510 believe that 225 pages of new federal regulations—many of which will be overly burdensome on industry and small providers in particular—are the answer to what ails our food safety system. But the government is the problem with our disjointed and ineffective food safety system—not the solution.

The Ensuring Greater Food Safety Act of 2010 is a one-page bill that reduces government efficiencies in order to ensure the safety of our food supply. Instead of spending billions of dollars, forcing food companies to comply with a myriad of new regulations, and saddling consumers with increased food prices to pay for the new rules, this legislation will force our existing regulatory agencies to more effectively and efficiently prevent food safety outbreaks like the egg salmonella scare.

### **This legislation would:**

- Require FDA and USDA to immediately establish a comprehensive plan to share information and clarify existing efforts related to products and facilities in which the agencies have overlapping, joint, or similar authority;
- Require FDA and USDA to issue a joint report to Congress summarizing the effectiveness of the new arrangement;
- Task the Government Accountability Office with auditing the arrangement.

### **This legislation fixes the real problem: Numerous government audits show that government inefficiencies are the root cause of our food safety problems.**

In 2008, GAO testified before a House subcommittee that:

*“FDA is one of 15 agencies that collectively administer at least 30 laws related to food safety. This fragmentation is the key reason GAO added the federal oversight of food safety to its High-Risk Series in January 2007 and called for a government wide reexamination of the food safety system. We have reported on problems with this system—including inconsistent oversight, ineffective coordination, and inefficient use of resources.”*

Specifically, GAO found that in 2003, FDA and USDA activities included overlapping and duplicative inspections of 1,451 domestic food-processing facilities that produce foods regulated by both agencies.

Another GAO audit in 2005 identified specific overlap in food safety activities conducted by USDA and the FDA, including:

*“71 interagency agreements [to coordinate overlapping activities] that the agencies entered into... However, the agencies have weak mechanisms for tracking these agreements that...lead to ineffective implementation.”*

### **The egg scare was an unfortunate case study of government mismanagement.**

Numerous outlets have reported in detail that the U.S. Department of Agriculture knew of expansive sanitary problems at the two Iowa farms at the center of a massive nationwide egg recall, but did not notify health authorities. USDA inspects farms and gives eggs their “Grade A” label, while the FDA technically is tasked with the safety of the final egg product.

This discrepancy was the impetus behind an **egg safety rule originally promulgated 10 years ago by the FDA**. Unfortunately, three administrations sat on the proposed rule without finalizing and implementing it until July of this year – before the outbreak was identified, but after the tainted eggs were introduced into commerce.

FDA Commissioner Dr. Hamburg has opined, “We believe that had these rules been in place at an earlier time, it would have very likely enabled us to identify the problems on this farm before this kind of outbreak occurred.” A lack of a regulatory bill isn’t the problem.

A recent article in the LA Times was titled, “Food safety legislation won't mend regulatory divide.” In the article, the authors explain this legislation “doesn’t bridge the gap over the split oversight of eggs.” In fact, the article quotes one food safety expert who proclaims: “If you brought [food regulators from the FDA and the USDA] together now, you'd just have a terrible mess.”

The Egg Scare goes even further to show the problems with increasing the size of government to ensure the safety of our food supply. According to an AP report, both farms implicated in the salmonella scare are linked to businessman Jack Decoster, who has been cited for numerous health, safety, and employment violations over the years.

His federal regulatory “rap sheet” includes **\$2 million** in fines to settle citations in 1996 for health and safety violations. Then then-Labor Secretary Robert Reich said conditions were “as dangerous and oppressive as any sweatshop,” citing unguarded machinery, electrical hazards, exposure to harmful bacteria and other unsanitary conditions.

In 2000, Iowa designated DeCoster a “habitual violator” of environmental regulations for problems that **included hog manure runoff into waterways**. The label made him subject to increased penalties and prohibited him from building new farms.